IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.795/2000
Lok Shail Enterprises Vs. State & Ors.

06.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Anudyuti Mitra, Advocate for petitioner.
Shri B.L. Awasthi, Addl. Government Advocate.

Challenge in this writ petition is made to the advertisement dated 25.1.2000 whereby the respondents decided to invite fresh tenders for certain construction work for which tenders were earlier invited by a similar advertisement issued on 19.11.1999. Grievance of the petitioner is that he applied in response to the said advertisement and rates quoted by him were lowest, yet the respondents without assigning any reason decided to invite fresh tenders.

Shri Anudyuti Mitra, the learned counsel for the petitioner argued that the respondents have acted arbitrarily in cancelling the earlier tender process without assigning any reason in as much as the petitioner was

entitled to be awarded the work when the rates quoted by him were found lowest, therefore, the respondents cannot be allowed to issue fresh tenders. He also argued that even when the first tender process was cancelled, the security amount deposited by the petitioner has not been refunded so far.

Shri B.L. Awasthi, the learned Additional Government Advocate however opposed the writ petition and submitted that the tender process earlier initiated was decided to be cancelled in view of certain irregularities because the higher authorities directed so. The fresh tenders were invited and the petitioner was also free to apply in response thereto. It was submitted that the earlier notice inviting tender dated 3.11.99 had a categorical stipulation to the effect that the competent authority may decide to cancel the tender without assigning any reason, therefore, no grievance can be raised by the petitioner particularly when he was not debarred from participating in the new process. It was argued that no pleadings are there on the question of refund of the security amount, therefore,

that argument cannot be allowed to be raised.

Having heard the learned counsel for the parties, I find that the tender notice which has been made subject matter of challenge was issued way back on 25.1.2000. The work in question appears to have been completed in the year 2000 itself. It has not been shown by the petitioner whether he participated in the second tender process and if not he cannot have any claim against the respondents because he was always free to submit fresh tender. As regards the non refund of the security money by the respondents, the petitioner is free to make the representation to the concerned authorities which was expected to be considered and decided as expeditiously as possible in accordance with law and if security amount is found refundable, refund the same to the petitioner without forcing him to enter into another litigation.

With these observations, the writ petition is dismissed.

(Mohammad Rafiq),J.

Rs/-